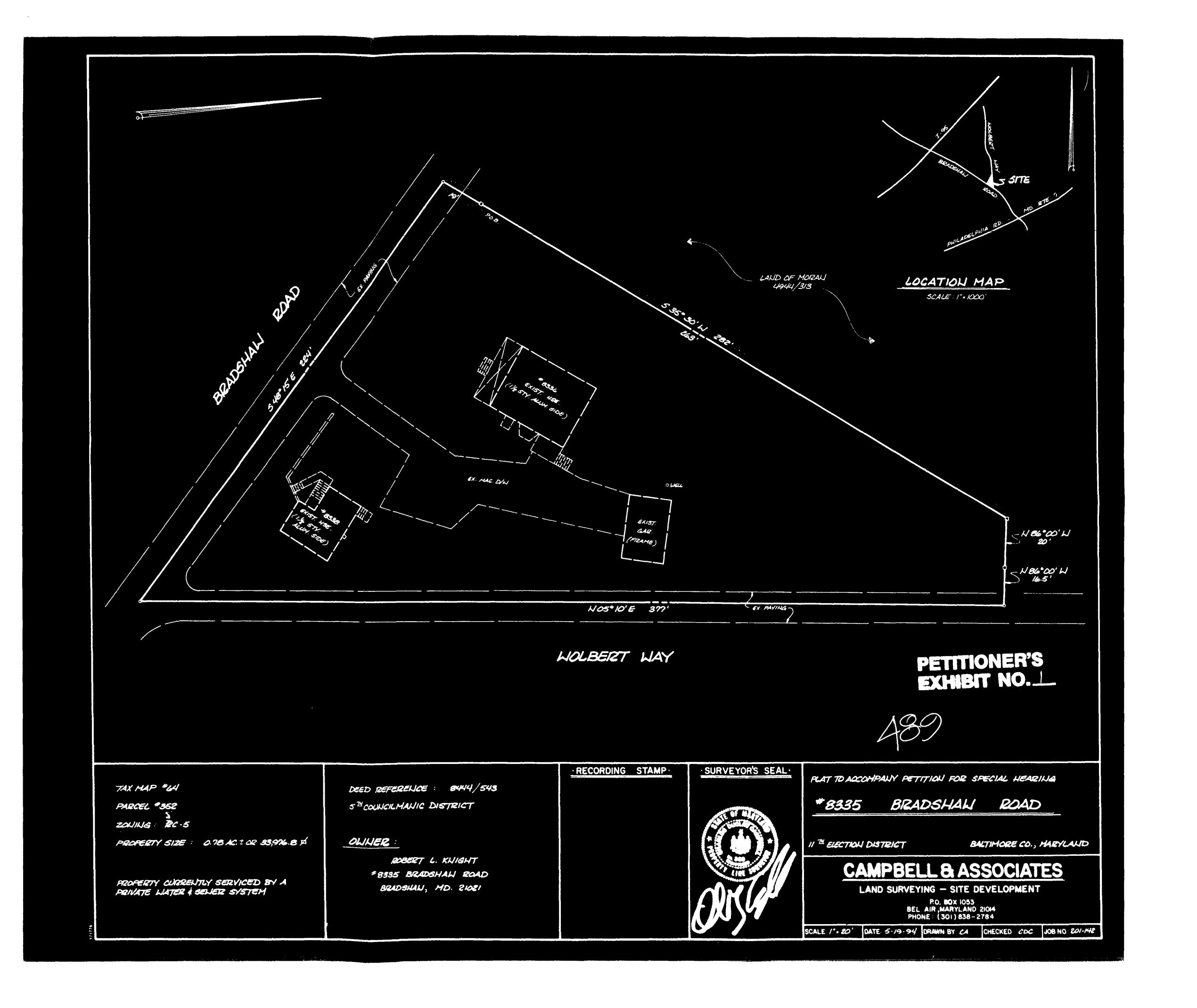


435-205-16



______ For newspaper advertising: Petitioner: Robert L. Knight

Location: 8336, 8338 Brackshawkl, Braksha Md 21021 PLEASE FORWARD ADVERTISING BILL TO: NAME: David M. Madows, Esq PHONE NUMBER: (410) 529-4600

(Revised 04/09/93)

TO: FUTUXENT PUBLISHING COMPANY June 23, 1994 Issue - Jeffersonian

Please foward billing to:

David M. Meadows, Esquire 4111 E. Joppa Road Baltimore, Maryland 21236 529-4500

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-502-SPH (Item 489) 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert Way 11th Election District -5th Councilmanic Legal Owner: Robert L. Knight

HEARING: THURSDAY, JULY 14, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldc.

Special Hearing to approve a non-conforming use for two residential dwellings on one residential lot.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 N. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-502-SPH (Item 489) 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert Way 11th Election District - 5th Councilmanic Legal Owner: Robert L. Knight HEARING: THURSDAY, JULY 14, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldg.

Special Hearing to approve a non-conforming use for two residential dwellings on one residential lot.

cc: David M. Meadows, Esquire Robert L. Knight

111 West Chesapeake Avenue

June 15, 1994

Towson, MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3091.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 5, 1994

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road Baltimore, Maryland 21236

> RE: Case No. 94-502-SPH, Item No. 489 Petition for Special Hearing Petitioner: Robert L. Knight, et ux.

Dear Mr. Meadows:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 9, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation

Secretary Hal Kassoff Administrator

Towson, Maryland 21204 Dear Ms. Minton:

Ms. Charlotte Minton

County Office Building

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTING ONIEF

John Contestabile, ChiefEngineering Engineering Access Permits

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 No.th Calvert Street • Baltimore, Maryland 21202 The state of the s

BALTIMORE COUNTY, MARYLAND

DATE: June 16, 1994

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

FROM: Fat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 475, 476, 481, 482, 483, 484, 486 and 489.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.475/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 06/16/94

Arnold Jablon · Director Zoning Administration and Development Maragement

Baltimore County Office Suilding Towson, MD 21204 MAIL STOP-1105 RE: Property Owner: SEE JELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 481, 482, 483, 484, 486, 487, 488, 489 AND 491.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHOME 887-4881, HS-1108F -cc: File

Protection Recycled Paper

RE: PETITION FOR SPECIAL HEARING 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert, * Way, 11th Election Dist., 5th

ZOMING COMMISSIONER FOR BALTIMORE COUNTY

Robert L. Knight Petitioner

Councilmanic

final Order.

CASE NO.: 94-502-SPH * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

> Peter May Ummerman PETER MAX ZIMMERMAN People's Counsel for Baltimore County Carole S. Demelio CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERV CE

I HEREBY CERTIFY that on this 27 day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to David I. Meadows, Esquire, Moore, Carney, Ryan & Lattanzi, 4111 E. Joppa Road, Baltimore,

MD 21236, attorney for Petitioner.

Peter May Zimmerman PETER MAX ZIMMERMAN

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

(8336 and 8338 Bradshaw Road) 11th Election District 5th Councilmanic District

* Case No. 94-502-SPH

Robert L. Knight Petitioner

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for the subject property, known as 8336 and 8338 Bradshaw Road, located between White Marsh and Joppa in eastern Baltimore County. The Petition was filed by the owner of the property, Robert L. Knight, through his attorney, David M. Meadows, Esquire. The Petitioner seeks approval of two existing residential dwellings on one lot zoned R.C. 5, as a legal, nonconforming use. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert Knight, property owner, and his attorney, David Meadows, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property, which is located on the north side of Bradshaw Road at its intersection with Wolbert Way, consists of 0.78 acres, more or less, zoned R.C.5 and is improved with two single family dwellings and a detached garage. The Petitioner filed the instant Petition to bring the property into compliance with current zoning regulations. Testimony indicated that the subject dwellings were at one time part of a larger farm. Mr. Knight testified that he and his wife moved to the dwelling at 8338 Bradshaw Road in 1947

and resided there until 1953 at which time they built their current home across from the subject site at 8335 Bradshaw Road. Mr. Knight further testified that the dwelling known as 8336 Bradshaw Road was given to his father by his father's mother in approximately 1953 and that his parents resided there for many years. Testimony indicated that the dwellings have been used continuously and without interruption since at least 1947 and prior to the effective date of the zoning regulations governing such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the date in which a change in the zoning regulations caused the use of the property to become illegal. The controlling date in this case is March 30, 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- 2-

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind:

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used as a two dwelling-lot since prior to the effective date of the zoning regulations governing such use and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 34 day of July, 1994 that the Petition for Special Hearing seeking approval of two existing residential dwellings on one lot zoned R.C. 5, as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

TMK:bjs

Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 29, 1994

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road

Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING NE/S Bradshaw Road at NW/S Wolbert Way (8336 and 8338 Bradshaw Road) 11th Election District - 5th Councilmanic District Robert L. Knight - Petitioner Case No. 94-502-SPH

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Pelition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391

> Very truly yours, Muithey Kelive

TMK:bis

File

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. & Mrs. Robert L. Knight 8335 Bradshaw Road, Bradshaw, Md. 21021 People's Counsel

on Recycled Paper

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 8336, Bradshaw Road

which is presently zoned RC-5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500 7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a Nonconforming Use as defined in Section 101 of the BCZR, to wit: two (2) residential dwellings on one (1) residential lot in a RC-5 Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this putition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do scientify declare and affirm, under the penalties of perjuty, that I/we are the Contract Purchaser/Leuser

8335 Bradshaw Road Phone No. **Attorney for Petitioner** Bradshaw, Maryland hame. Ad have and provide head or of representative to be contacted. Signature Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road 529-4600
Address Phone No Baltimore, Maryland

94-502-SPH

ZONING DESCRIPTION

ZONING DESCRIPTION for #8336 & #8338 Bradshaw Road;

11th Election District, 5th Councilmanic District;

Beginning at a point on the East side of Bradshaw Road, said point of beginning being Northwest of the centerline intersection of Bradshaw Road and Wolbert Way; said property binding on the centerlines of both Bradshaw Road and Wolbert Way and being in the Northwest quadrant of said intersection.

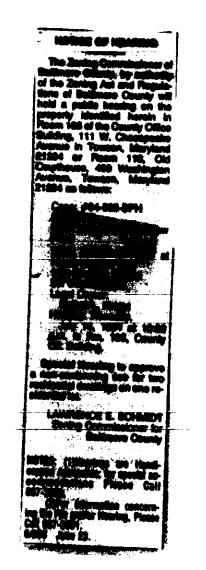
Said property recorded in Liber 8444, Folio 543; metes and bounds description found in deed, Liber 573, Folio 274 with the following courses and distances, viz: 1) S 35 30' W 19', 2) S 48 15' E 224', 3) N 05 10' E 377', 4) N 86 00' W 16.5' 5) N 86 00' W 20', and 6) S 35 30' W 263'.



CERTIFICATE OF POSTING Posted for: Special Hearing Potitioner: Robert L. K. night

Location of property: 8336 Bradshow RJ, NE/S Location of Signer Tocing road way on pro party being 20-1.d

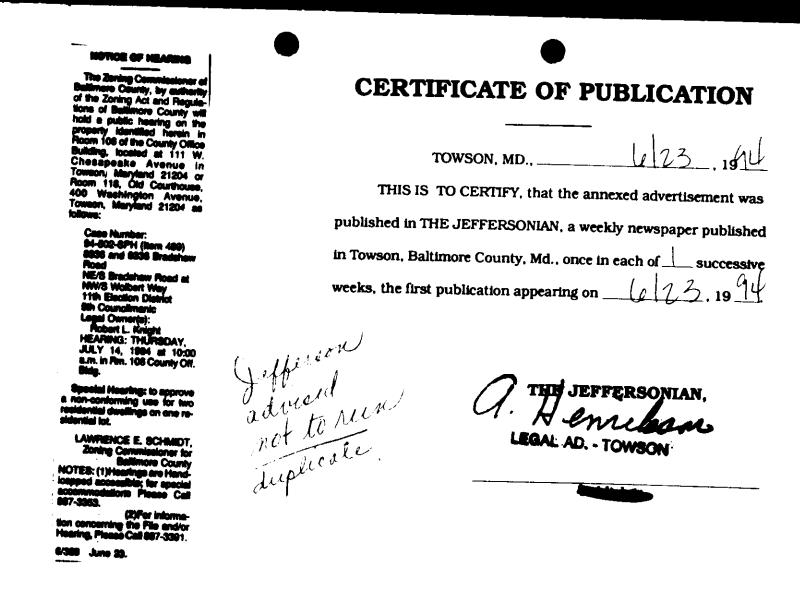
- 3-



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of __ weeks, the first publication appearing on __

LEGAL AD. - TOWSON



ydiese

Account: R-001-6150 Number 489 By ULL

(2) RES SPH FIUNG-FEES CODE 030 \$ 100.00

(FOR 2 SFDS ON /LOT WITH 2 ADDRESSES)

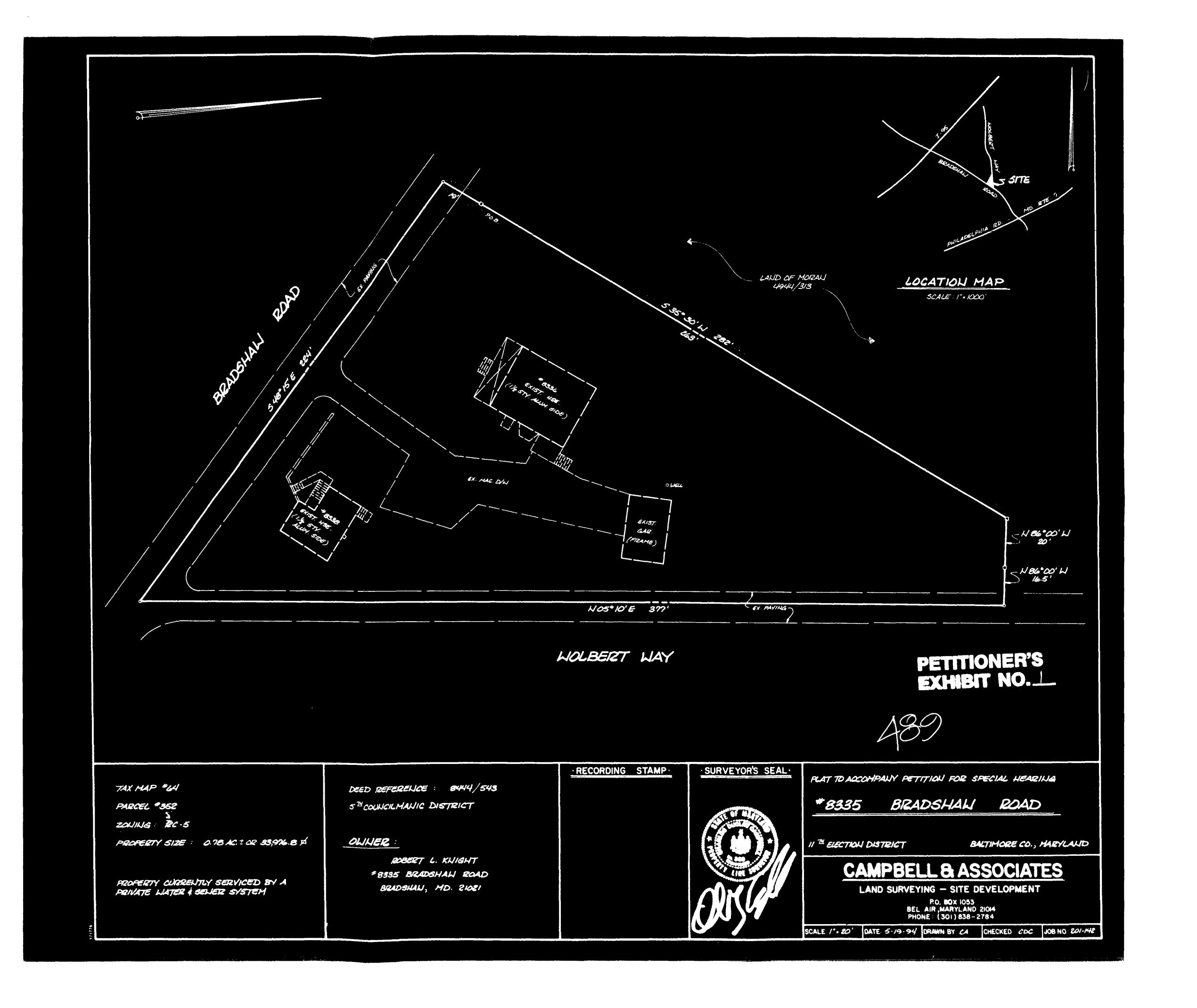
(1) SIEN POSTING FEE COX 080 \$ 35.00 TOTAL# 135.00

CUMER: KNIGHT LOC. 8336 AND 8338 BRADSHAW R.D.

03A03H0131MICHRC
Please Make Checks Payable To: Baltimore County 0:16AN06-09-94



435-205-16



______ For newspaper advertising: Petitioner: Robert L. Knight

Location: 8336, 8338 Brackshawkl, Braksha Md 21021 PLEASE FORWARD ADVERTISING BILL TO: NAME: David M. Madows, Esq PHONE NUMBER: (410) 529-4600

(Revised 04/09/93)

TO: FUTUXENT PUBLISHING COMPANY June 23, 1994 Issue - Jeffersonian

Please foward billing to:

David M. Meadows, Esquire 4111 E. Joppa Road Baltimore, Maryland 21236 529-4500

NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-502-SPH (Item 489) 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert Way 11th Election District -5th Councilmanic Legal Owner: Robert L. Knight

HEARING: THURSDAY, JULY 14, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldc.

Special Hearing to approve a non-conforming use for two residential dwellings on one residential lot.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

NOTICE OF HEARING

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CASE NUMBER: 94-502-SPH (Item 489) 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert Way 11th Election District - 5th Councilmanic Legal Owner: Robert L. Knight HEARING: THURSDAY, JULY 14, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldg.

Special Hearing to approve a non-conforming use for two residential dwellings on one residential lot.

cc: David M. Meadows, Esquire Robert L. Knight

111 West Chesapeake Avenue

June 15, 1994

Towson, MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3091.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 5, 1994

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road Baltimore, Maryland 21236

> RE: Case No. 94-502-SPH, Item No. 489 Petition for Special Hearing Petitioner: Robert L. Knight, et ux.

Dear Mr. Meadows:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 9, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation

Secretary Hal Kassoff Administrator

Towson, Maryland 21204 Dear Ms. Minton:

Ms. Charlotte Minton

County Office Building

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTING ONIEF

John Contestabile, ChiefEngineering Engineering Access Permits

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 No.th Calvert Street • Baltimore, Maryland 21202 The state of the s

BALTIMORE COUNTY, MARYLAND

DATE: June 16, 1994

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

FROM: Fat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 475, 476, 481, 482, 483, 484, 486 and 489.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.475/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 06/16/94

Arnold Jablon · Director Zoning Administration and Development Maragement

Baltimore County Office Suilding Towson, MD 21204 MAIL STOP-1105 RE: Property Owner: SEE JELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 481, 482, 483, 484, 486, 487, 488, 489 AND 491.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHOME 887-4881, HS-1108F -cc: File

Protection Recycled Paper

RE: PETITION FOR SPECIAL HEARING 8336 and 8338 Bradshaw Road NE/S Bradshaw Road at NW/S Wolbert, * Way, 11th Election Dist., 5th

ZOMING COMMISSIONER FOR BALTIMORE COUNTY

Robert L. Knight Petitioner

Councilmanic

final Order.

CASE NO.: 94-502-SPH * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

> Peter May Ummerman PETER MAX ZIMMERMAN People's Counsel for Baltimore County Carole S. Demelio CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERV CE

I HEREBY CERTIFY that on this 27 day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to David I. Meadows, Esquire, Moore, Carney, Ryan & Lattanzi, 4111 E. Joppa Road, Baltimore,

MD 21236, attorney for Petitioner.

Peter May Zimmerman PETER MAX ZIMMERMAN

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

(8336 and 8338 Bradshaw Road) 11th Election District 5th Councilmanic District

* Case No. 94-502-SPH

Robert L. Knight Petitioner

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for the subject property, known as 8336 and 8338 Bradshaw Road, located between White Marsh and Joppa in eastern Baltimore County. The Petition was filed by the owner of the property, Robert L. Knight, through his attorney, David M. Meadows, Esquire. The Petitioner seeks approval of two existing residential dwellings on one lot zoned R.C. 5, as a legal, nonconforming use. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

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and resided there until 1953 at which time they built their current home across from the subject site at 8335 Bradshaw Road. Mr. Knight further testified that the dwelling known as 8336 Bradshaw Road was given to his father by his father's mother in approximately 1953 and that his parents resided there for many years. Testimony indicated that the dwellings have been used continuously and without interruption since at least 1947 and prior to the effective date of the zoning regulations governing such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the date in which a change in the zoning regulations caused the use of the property to become illegal. The controlling date in this case is March 30, 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

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- 2-

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

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McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used as a two dwelling-lot since prior to the effective date of the zoning regulations governing such use and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 34 day of July, 1994 that the Petition for Special Hearing seeking approval of two existing residential dwellings on one lot zoned R.C. 5, as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

TMK:bjs

Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 29, 1994

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road

Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING NE/S Bradshaw Road at NW/S Wolbert Way (8336 and 8338 Bradshaw Road) 11th Election District - 5th Councilmanic District Robert L. Knight - Petitioner Case No. 94-502-SPH

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Pelition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391

> Very truly yours, Muithey Kelive

TMK:bis

File

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. & Mrs. Robert L. Knight 8335 Bradshaw Road, Bradshaw, Md. 21021 People's Counsel

on Recycled Paper

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 8336, Bradshaw Road

which is presently zoned RC-5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500 7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a Nonconforming Use as defined in Section 101 of the BCZR, to wit: two (2) residential dwellings on one (1) residential lot in a RC-5 Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this putition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do scientify declare and affirm, under the penalties of perjuty, that I/we are the Contract Purchaser/Leuser

8335 Bradshaw Road Phone No. **Attorney for Petitioner** Bradshaw, Maryland hame. Ad have and provide head or of representative to be contacted. Signature Moore, Carney, Ryan and Lattanzi 4111 East Joppa Road 529-4600
Address Phone No Baltimore, Maryland

94-502-SPH

ZONING DESCRIPTION

ZONING DESCRIPTION for #8336 & #8338 Bradshaw Road;

11th Election District, 5th Councilmanic District;

Beginning at a point on the East side of Bradshaw Road, said point of beginning being Northwest of the centerline intersection of Bradshaw Road and Wolbert Way; said property binding on the centerlines of both Bradshaw Road and Wolbert Way and being in the Northwest quadrant of said intersection.

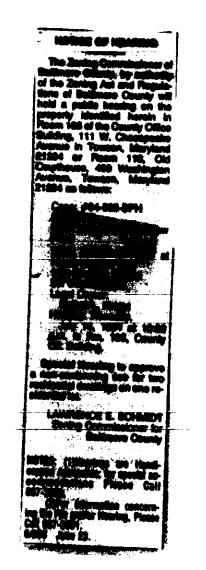
Said property recorded in Liber 8444, Folio 543; metes and bounds description found in deed, Liber 573, Folio 274 with the following courses and distances, viz: 1) S 35 30' W 19', 2) S 48 15' E 224', 3) N 05 10' E 377', 4) N 86 00' W 16.5' 5) N 86 00' W 20', and 6) S 35 30' W 263'.



CERTIFICATE OF POSTING Posted for: Special Hearing Potitioner: Robert L. K. night

Location of property: 8336 Bradshow RJ, NE/S Location of Signer Tocing road way on pro party being 20-1.d

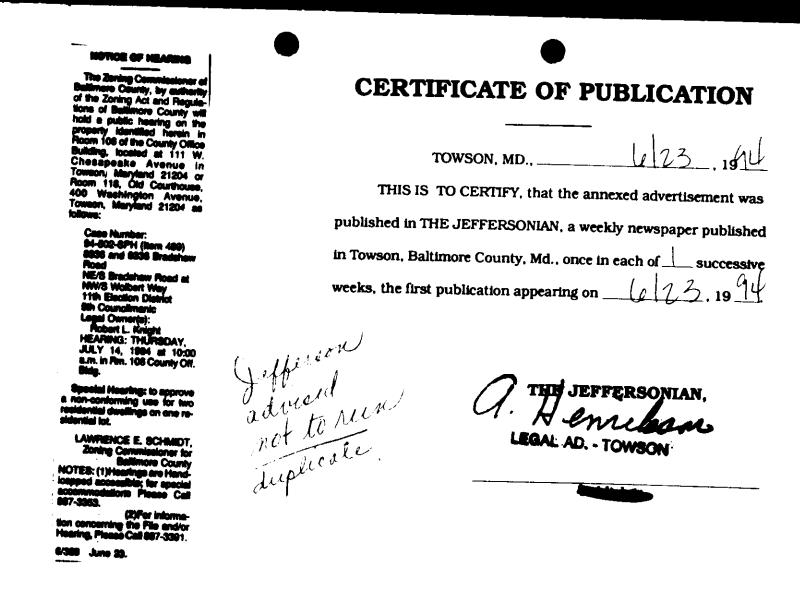
- 3-



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of __ weeks, the first publication appearing on __

LEGAL AD. - TOWSON



ydiese

Account: R-001-6150 Number 489 By ULL

(2) RES SPH FIUNG-FEES CODE 030 \$ 100.00

(FOR 2 SFDS ON /LOT WITH 2 ADDRESSES)

(1) SIEN POSTING FEE COX 080 \$ 35.00 TOTAL# 135.00

CUMER: KNIGHT LOC. 8336 AND 8338 BRADSHAW R.D.

03A03H0131MICHRC
Please Make Checks Payable To: Baltimore County 0:16AN06-09-94